

Message Text

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ORIGIN SCSE-00

INFO OCT-01 ISO-00 JUSE-00 /001 R

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APPROVED BY SCA:SCS:AFFOWLER

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JUSTICE, MR. HERGEN RM 3612, MAIN JUSTICE;

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P 282035Z AUG 75

FM SECSTATE WASHDC

TO AMCONSUL HONG KONG PRIORITY

UNCLAS STATE 205218

E.O. 11652:N/A

TAGS: CGEN (U.S. V. SIMMONS)

SUBJECT: JUDICIAL ASSISTANCE

REF: HONG KONG 9955

PASS TO LEGAL LIAISON OFFICER

1. RE PARA 1 REFTTEL DOJ IN ACCORD THAT FROZEN FUNDS BE INVESTED IN INTEREST-BEARING ACCOUNTS, PROVIDED PRINCIPAL AND INTEREST CONTINUES FROZEN, SUBJECT TO COURT ORDER. THERE IS NO PROHIBITION UNDER U. S. LAW FROM SO INVESTING FUNDS WHICH ARE SUBJECT TO LITIGATION.

2. DOJ WOULD BE GRATEFUL IF YOU WOULD REPEAT PARA 3 REFTTEL WHICH WAS RECEIVED GARBLED. IT IS NOT CLEAR WHAT POSITION HANG SENG BANK TAKES WITH RESPECT TO AUTHENTICATION OF DOCUMENTS.

3. RISTAU HAS BRIEFED DOJ SUPERIORS ON DISCUSSIONS WITH LOCAL COUNSEL AND HAMPTON IN HONG KONG. (FYI: NO DECISIONS CAN BE EXPECTED UNTIL, AT THE EARLIEST, SOMETIME MIDDLE NEXT WEEK WHETHER EXTRAJUDICIAL SETTLEMENT POSSIBLE. AS LLO AND STEVENSON KNOW, PIVOTAL FACTOR NOW IS DISPO-
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SITION OF CRIMINAL CASE. CRIMINAL DIVISION IS MEETING

TODAY WITH W. VA. COUNSEL OF SIMMONS TO DISCUSS FURTHER ASPECTS OF PLEA BARGAIN. IN TURN, AS YOU CORRECTLY

POINT OUT IN PARA 2 REFTEL, CRIMINAL DIVISION DECISION WILL BE HEAVILY INFLUENCED BY ATTITUDE OF HONG KONG BANKS. CONSEQUENTLY, ANYTHING LLO CAN DO TO OBTAIN BANKS' RESPONSES AT EARLIEST OPPORTUNITY WILL BE GREATLY APPRECIATED. END FYI)

4. RISTAU MET YESTERDAY WITH GAO ACCOUNTANT OLSON WHO HAS NOW REPORTED FOR DUTY IN WASHINGTON. INFORMATION REQUESTED BY MESSRS. WRIGHT AND DIX FROM OLSON WILL BE FORTHCOMING NEXT WEEK.

5. RISTAU WOULD APPRECIATE ADVICE FROM LLO WHEN AND HOW HIS FILES WERE DISPATCHED TO WASHINGTON "E.G. BY APO MAIL? BY POUCH? ADDRESSED TO STATE, BUREAU, OR RISTAU'S OFFICE?". INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 28 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE205218
Document Source: CORE
Document Unique ID: 00
Drafter: SCS:GJLEE:GJL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750298-0790
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975088/aaaaagso.tel
Line Count: 79
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 HONG KONG 9955
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 03 FEB 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 FEB 2003 by ReddocGW>; APPROVED <12 JAN 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UDICIAL ASSISTANCE
TAGS: CGEN
To: HONG KONG
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006